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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,543	02/20/2004	Stephen Cutler	CUTCP0103US	7433
23908 7590 03/30/2009 RENNER OTTO BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE NINETEENTH FLOOR CLEVELAND, OH 44115				
EXAMINER				
ORR, HENRY W				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/783,543

Applicant(s)

CUTLER ET AL.

Examiner

Henry Orr

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-14, 16-28, 35-46, 48-50, 52-64, 71 and 72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-10, 12-14, 16-28, 35-38, 41-46, 48-50, 52-64, 71 and 72 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 39 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-646)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/9/2009 has been entered.

DETAILED ACTION

1. This action is responsive to applicant's amendment dated 2/9/2009.
2. Claims 1-10, 12-14, 16-28, 35-46, 48-50, 52-64 and 71-72 are pending in the case.
3. Claims 11, 15, 29-34, 47, 51 and 65-70 are cancelled.
4. Claims 1 and 37 are independent claims.

Applicant's Response

5. In Applicant's response dated 2/9/2009, applicant has amended the following:
 - a) 1-10, 12-14, 16-28, 35-37

Claim Objections

6. Claims 3 and 39 are objected to because of the following informalities: the term “if” should be changed to “when” to read more clearly. Appropriate corrections are required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claims 1 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Independent claims 1 and 37 recite the phrase “the viewable work area location”. There is insufficient antecedent basis for this limitation in the claims because the phrase has not been previously recited within the claims.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

10. **Claims 1, 2, 5-10, 12-14, 16-24, 26-28, 35 and 36 are rejected under 35**

**U.S.C. 102(a) as being anticipated by Anderson et al. (hereinafter "Anderson"),
U.S. Patent No. 2003/0189597 A1 of record.**

Claim 1:

Anderson teaches multiple virtual desktops and a virtual desktop manager (see abstract, par. 33). **(claim 1; i.e., a computer-readable medium storing a computer application workspace generation and navigation tool that comprises:)** Examiner interprets the multiple virtual desktops as a whole to be the recited application workspace. Examiner interprets the virtual desktop manger to be the recited navigation tool.

Anderson teaches a preview of the multiple virtual desktops which illustrates that the workspace (i.e., multiple virtual desktops in full size mode) is larger than a physically viewable work area (see par. 37, Figure 6). **(claim 1; i.e., code that generates a logical application workspace that is larger than a physically viewable work area defined by an associated main computer application, the logical application workspace comprised of a plurality of logical screens, wherein:)** Examiner interprets each virtual desktop to be the recited logical screen.

Anderson's Figure 6 illustrates a preview of the multiple virtual desktops having predetermined dimensions. Anderson's Figure 8 illustrates an individual full size virtual desktop that is coextensive with the physically viewable work area (see Figure 6 and 8).

(claim 1; i.e., each logical screen has predetermined dimensions that are coextensive with the physically viewable work area defined by the main computer application such that each screen has dimensions that are the same as every other screen;)

Anderson's Figure 6 illustrates a preview of the multiple virtual desktops arranged contiguously. Anderson teaches switch buttons (i.e., ref. 311-316) that allows a user to navigate between the multiple desktops in a desired sequence (see par. 33). Anderson teaches enabling application sharing with the multiple virtual desktops (see par. 39). **(claim 1; i.e., and the screens are arranged contiguously in predetermined locations in the application workspace such that the application workspace is a single and functionally continuous logical workspace that is larger in size than a physical monitor used to display the physically viewable work area; and code that, in response to a user input, changes the viewable work area location within in the logical application workspace.)**

Claim 2:

Anderson teaches **code that logically associates a plurality of sub-application windows with respective locations of within the logical application workspace, the sub-application windows for displaying content of at least one open sub-application** (see par. 8).

Claim 5:

Anderson teaches **code that logically associates each sub-application window with a logical screen in which a majority of the sub-application window is disposed** (see par. 40).

Claim 6:

Anderson illustrates **code that stores an arrangement of sub-application windows disposed within the logical application workspace** (see Figure 6).

Claim 7:

Anderson illustrates **code that retrieves the stored arrangement of sub-application windows** (see Figure 6).

Claim 8:

Anderson illustrates **code that stores a layout of the logical application workspace including a number and arrangement of screens and relative location of each sub-application window** (see Figure 6).

Claim 9:

Anderson illustrates **code that retrieves the stored layout** (see Figure 6).

Claim 10:

Anderson teaches **code that scales the application workspace and sub-application windows to zoom the application workspace in or out** (see par. 8, Figures 1C and 6).

Claim 12:

Anderson teaches **code that, upon initiation of one of the sub-application windows, logically associates the sub-application window with a location within the logical application workspace identified by user action** (see par. 39). Examiner interprets the location of the virtual desktop identified by the user action in which the application window is to be opened to be the recited location.

Claim 13:

Anderson teaches **code to provide the user with a user moveable placement means, wherein the location within the logical application workspace identified by user action corresponds to a location of the placement means relative to the application workspace** (see par. 39).

Claim 14:

Anderson illustrates **wherein the logical screens are contiguously arranged in a matrix** (see Figure 7).

Claim 16:

Anderson teaches multiple virtual desktops (see abstract, par. 16). For example, Examiner submits that Anderson is capable of having two virtual desktops or four virtual desktops to create a workspace. Therefore, the number of virtual desktops may be increased. **(claim 16; i.e., code that increases the number of logical screens and a corresponding dimension of the logical application workspace in accordance with a user action).**

Claim 17:

Anderson teaches multiple virtual desktops (see abstract, par. 16). For example, Examiner submits that Anderson is capable of having four virtual desktops or two virtual desktops to create a workspace. Therefore, the number of virtual desktops may be decreased. **(claim 17; i.e., code that decreases the number of logical screens and a corresponding dimension of the logical application workspace in accordance with a user action (see par. 10, par. 36).**

Claim 18:

Anderson illustrates **code that generates a navigation box that includes a representation of each logical screen** (see Figure 1C).

Claim 19:

Anderson illustrates **wherein the logical screen representations are arranged to have a topography corresponding to a topography of the logical screens** (see Figure 1C).

Claim 20:

Anderson teaches **code that, in response to user selection of one of the screen representations in the navigation box, displays the corresponding screen in the physically viewable work area defined by the main computer application (see par. 5-6).**

Claim 21:

Anderson teaches **code that logically associates a plurality of sub-application windows with respective locations within the logical application workspace, the sub-application windows for displaying content of at least one sub-application** (see par. 8).

Claim 22:

Anderson teaches **code that logically associates each sub-application window with a logical screen in which a majority of the sub-application window is disposed and code that displays a representation of each sub-application window**

in association with the representation of the logically associated screen (see par. 40).

Claim 23:

Anderson teaches **code that moves a user selected sub-application window from a logically associated screen to another logical screen in response to user initiated movement of the corresponding representation of the sub-application window in the navigation box** (see par. 39). Examiner notes that the preview panes as illustrated in Anderson's Figure 6 may be interpreted as the recited navigation box.

Claim 24:

Anderson illustrates **code that displays information relating to one of the sub-application windows in response to user action in connection with the representation of the one of the sub-application windows in the navigation box application** (see par. 39, Figure 6 – e.g. opening an application window within a pane displays content information (e.g. web page) relating to the window).

Claim 26:

Anderson teaches **code that generates the logical application workspace generates a plurality of logical application workspaces for the main computer application** (see abstract).

Claim 27:

Anderson teaches **wherein each logical screen is associated with a unique identifying feature** (see par. 10).

Claim 28

Anderson teaches **wherein the unique identifying feature is selected from a background color, a background pattern and a combination thereof** (see par. 10).

Claim 35:

Anderson teaches **wherein the placement means is a placement pointer having a position that defines the location within the logical workspace identified by user action** (see par. 39).

Claim 36:

Anderson teaches **wherein the placement means is a placement tool for marking the location within the logical workspace identified by user action** (see par. 39).

Claims 37-46, 48-50, 52-60, 62-64, 71 and 72:

Claims 37, 38, 41-46, 48-50, 52-60, 62-64, 71 and 72 are method claims and are substantially encompassed in manufacture claims 1, 2, 5-10, 12-14, 16-24, 26-28, 35

and 36 respectively; therefore the method claims are rejected under the same rationale as manufacture claims 1, 2, 5-10, 12-14, 16-24, 26-28, 35 and 36 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 25 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson as cited above.**

Claim 25:

Anderson illustrates a panel **from which a user can select one of the plurality of logical screens for display in the physically viewable work area defined by the main computer application** (see Figure 1C).

Anderson fails to expressly teach a drop down menu for performing the same function.

However, Examiner submits that it would have been obvious to one of ordinary skill in the art (i.e., computer programmer) at the time the invention was made to substitute the panel as taught by Anderson with a conventional drop-down menu. In

other words, the drop down menu is merely a design choice chosen by the Applicant and does not patentably distinguish over the Anderson reference.

(claim 25; code that provides a drop down menu from which a user can select one of the plurality of logical screens for display in the physically viewable work area defined by the main computer application)

Claim 61:

Claim 61 is a method claim and is substantially encompassed in manufacture claim 25; therefore the method claim is rejected under the same rationale as manufacture claim 25 above.

Allowable Subject Matter

12. Claims 3, 4, 39, and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

13. Applicant's arguments with respect to claims 1-10, 12-14, 16-28, 35-46, 48-50, 52-64, 71 and 72 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Orr whose telephone number is (571) 270 1308. The examiner can normally be reached on Monday thru Friday 8 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3/20/2009
HO

/DOUG HUTTON/
Supervisory Patent Examiner, Art Unit 2176